

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Richard Weber	Art Unit :	3611
Serial No. :	10/665,504	Examiner :	Gary Chapman Hoge
Filed :	September 22, 2003	Conf. No. :	6838
Title :	COMMUNICATIONS DEVICE AND METHOD FOR USING THE COMMUNICATIONS DEVICE TO COMMUNICATE A MESSAGE		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THIRD REPLY TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT


Please correct the Filing Receipt for the above-referenced application to include the domestic priority as claimed by applicant as **"THIS APPLICATION CLAIMS BENEFIT OF 60/411,752 09/19/2002."**

Applicants' records show that the application to which the priority was claimed was not filed over a year prior to the filing date of this application. Thus, we respectfully request that the examiner acknowledge the domestic priority claimed and return a corrected filing receipt as soon as possible. Note, applicants must pay the issue fee by **October 5, 2006**, so the examiner's prompt attention to this matter would be appreciated. A copy of Applicants Second Reply to Response to Request for Corrected Filing Receipt filed December 17, 2004 and first Request for Corrected Official Filing Receipt filed February 6, 2005 is attached for your convenience.

No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 8/28/06

  
John F. Hayden  
Reg. No. 37,640

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
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40363967.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Richard Weber	Art Unit :	3611
Serial No. :	10/665,504	Examiner :	Gary Chapman Hoge
Filed :	September 22, 2003		
Title :	COMMUNICATIONS DEVICE AND METHOD FOR USING THE COMMUNICATIONS DEVICE TO COMMUNICATE A MESSAGE		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SECOND REPLY TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

In reply to your Response to Request For Corrected Filing Receipt mailed February 26, 2004, copy enclosed, Applicant submits that the application to which priority was claimed was not filed over a year prior to the filing date of this application. The USPTO was closed on September 18, 2003 and September 19, 2003 per OG Notice 1275 OG 142 dated October 21, 2003 (copy attached) and that September 20, 2003 and September 21, 2003 were the weekend. The application was filed on the next business day that the USPTO was open, September 22, 2003. Therefore, domestic priority should be claimed on this application.

Please correct the Filing Receipt for the above-referenced application to include domestic priority as claimed by applicant as --THIS APPLICATION CLAIMS BENEFIT OF 60/411,752 09/19/2002--. The above-referenced application is a regular, non-provisional utility application that claims priority to U.S. Provisional Application No. 60/411,752, filed on 09/19/2002, as claimed in the first paragraph of the filed application and the Combined Declaration and Power of Attorney (copy attached).

Please supply a corrected Filing Receipt to the undersigned with respect to this application. A copy of the original Filing Receipt showing the desired changes in red ink is attached for your convenience.

Additionally, on March 3, 2004, Applicant's representative spoke to Ms. Valerie Kinard in the Customer Service Center in the Initial Patent Examination Division. As requested by Ms. Kinard, a copy of the request to correct the OFR and the supporting documentation were faxed to her attention that same day so she could ensure that the OFR was corrected.

To date, no action has been taken to correct the OFR. Subsequent and follow-up calls to Ms. Kinard have not resulted in the receipt of a corrected OFR.

Applicant respectfully requests that this matter be corrected expeditiously.

No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

12/17/04

Joseph F. Key  
Reg. No. 44,827

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 1409  
Alexandria, Virginia 22311-1409  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/665,504	09/22/2003	Richard L. Weber	12177-004001

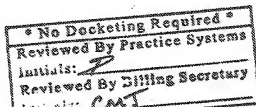
26171

FISH & RICHARDSON P.C.  
1425 K STREET, N.W.  
11TH FLOOR  
WASHINGTON, DC 20005-3500

CONFIRMATION NO. 6836



\*0C000000011962565\*



Date Mailed: 02/26/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: Country, Application number, Filing date.
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.  
*601411, 752 filed 9/19/02*
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

*Allyson W. Leggett*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Richard Weber                      Art Unit : 3611  
Serial No. : 10/665,504                      Examiner : Unknown  
Filed : September 22, 2003  
Title : COMMUNICATIONS DEVICE AND METHOD FOR USING THE  
COMMUNICATIONS DEVICE TO COMMUNICATE A MESSAGE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COPY

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Please correct the Filing Receipt for the above-referenced application to include domestic priority as claimed by applicant as --THIS APPLICATION CLAIMS BENEFIT OF 60/411,752 09/19/2002--. The above-referenced application is a regular, non-provisional utility application that claims priority to U.S. Provisional Application No. 60/411,752, filed on 09/19/2002, as claimed in the first paragraph of the filed application and the Combined Declaration and Power of Attorney (copy attached).

Also, please note that the USPTO was closed on September 18, 2003 and September 19, 2003 per OG Notice 1275 OG 142 dated October 21, 2003 (copy attached) and that September 20, 2003 and September 21, 2003 were the weekend. The application was filed on the next business day that the USPTO was open, September 22, 2003.

Please supply a corrected Filing Receipt to the undersigned with respect to this application. A copy of the original Filing Receipt showing the desired changes in red ink is attached for your convenience.

Applicant : Richard Weber  
Serial No. : 10/665,504  
Filed : September 22, 2003  
Page : 2 of 2

Attorney's Docket No.: 12177-004001

No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

COPY

Date: 02/04/2004

  
Joseph F. Key  
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JFH  
JFK

## UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
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 Alexandria, Virginia 22304-0418  
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APPL. NO.	FILING OR 371 (c) DATE	ART UNIT	PL. FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT. CLAMS	IND. CLAMS
10/665,504	09/22/2003	3611	634	12177-004001	✓ 16	✓ 67	✓ 6

CONFIRMATION NO. 6838

## FILING RECEIPT



\*000000001 148847\*

 26171  
 FISH & RICHARDSON P.C.  
 1425 K STREET, N.W.  
 11TH FLOOR  
 WASHINGTON, DC 20005-3500

Date Mailed: 12/15/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

✓ Richard L. Weber, Downingtown, PA;

COPY

Domestic Priority data as claimed by applicant

*This application claims benefit of  
 60/411,752 filed 09/19/2002.*

Foreign Applications

If Required, Foreign Filing License Granted: 12/12/2003

✓ Projected Publication Date: Request for Non-Publication Acknowledged

✓ Non-Publication Request: Yes

Early Publication Request: No

✓ "SMALL ENTITY"

Title

✓ Communications device and method for using the communications device to communicate a message

Preliminary Class

* No Docketing Required *	
Reviewed By Practice Systems	
Initials:	J
Reviewed By Billing Secretary	
Initials:	CMT



040

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

COPY

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

## COMBINED DECLARATION AND POWER OF ATTORNEY

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COMMUNICATIONS DEVICE AND METHOD FOR USING THE COMMUNICATIONS DEVICE TO COMMUNICATE A MESSAGE, the specification of which

☒ is attached hereto, \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_  
☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
 and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
60/411,752	September 19, 2002	Pending

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
N/A		

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
N/A			

# Combined Declaration and Power of Attorney

Page 2 of 2 Pages

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John F. Hayden, Reg. No. 37,640; W. Karl Renner, Reg. No. 41,265; Mark R.W. Bellemann, Reg. No. 47,419; Barbara A. Benoit, Reg. No. P-54,777; Scott R. Boelick, Reg. No. 42,337; Tim M. Chappell, Reg. No. P-54,623; Joseph V. Cokiasini, Jr., Reg. No. 39,948; Ruffin B. Cordell, Reg. No. 33,437; Lauren A. Degnan, Reg. No. 40,584; Diana DiBerardino, Reg. No. 45,633; Brian J. Dorini, Reg. No. 43,594; Benjamin D. Driscoll, Reg. No. 41,571; Harold H. Fox, Reg. No. 41,498; Kevin E. Greene, Reg. No. 46,031; Charles F. Hainch, Reg. No. 47,627; Rolf G. Hille, Reg. No. 53,912; William G. Hughes, Jr., Reg. No. 46,112; Joseph F. Kay, Reg. No. 44,827; Andrew R. Kopsidas, Reg. No. 42,759; Linda Lin Kordziel, Reg. No. 39,732; Phyllis K. Kristal, Reg. No. 38,524; Michael J. McKee, Reg. No. 37,883; David C. McKee, Reg. No. 52,014; James E. Morse, Reg. No. 53,264; Brian T. Rucilla, Reg. No. P-54,382; Timothy W. Riffe, Reg. No. 43,881; Thomas A. Rozylowicz, Reg. No. 50,620; Wendy E. Vicente, Reg. No. 45,496; Mark E. Wadzyk, Reg. No. 45,187; and Gregory A. Walters, Reg. No. 41,366.

Direct all telephone calls to JOSEPH F. KEY at telephone number (202) 783-3070.

Direct all correspondence to the following:

26171

FTO Customer Number

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor:

RICHARD L. WEBER

Inventor's Signature:

*Richard L. Weber*

Residence Address:

Downington, PA

Citizenship:

United States of America

Post Office Address:

638 Perimeter Drive

Downington, PA 19335

COPY

Date: 9/22/03

**United States Patent and Trademark Office OG Notices: 21 October 2003**

Closing of the United States Patent and Trademark Office on  
Thursday, September 18, 2003, and Friday, September 19, 2003

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Thursday, September 18, 2003, and Friday, September 19, 2003, the United States Patent and Trademark Office will consider Thursday, September 18, 2003, and Friday, September 19, 2003, a "Federal holiday within the District of Columbia" under 35 U.S.C. 21 and 37 C.F.R. 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered as timely for the purposes of, e.g., 35 U.S.C. 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Monday, September 22, 2003.

**COPY**

37 C.F.R. 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. 1.10 or 2.196 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. 1.10 or 2.196 with the Express Mail service of the USPS on Thursday, September 18, 2003, or Friday, September 19, 2003 (that is, as shown by a "date-in" of Thursday, September 18, 2003, or Friday, September 19, 2003, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS. 37 C.F.R. 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Thursday, September 18, 2003, and/or Friday, September 19, 2003, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

September 23, 2003

JAMES E. ROGAN  
Under Secretary of Commerce for  
Intellectual Property and  
Director of the United States Patent and  
Trademark Office

# COPY

Attorney's Docket No. 12177-004001	Express Mail Label No.	Mailing Date February 6, 2004	<i>For PTO Use Only</i> <i>Do Not Mark in This Area</i>
Application No. 10/665,504	Filing Date September 22, 2003	Attorney/Secretary Init JFH/JFK/afy	
Title of the Invention <b>COMMUNICATIONS DEVICE AND METHOD FOR USING          THE COMMUNICATIONS DEVICE TO COMMUNICATE A          MESSAGE</b>			
Applicant <b>Richard Weber</b>			
Enclosures Request for Corrected Official Filing Receipt (2 pages) Copy of corrected Filing Receipt (2 pages) Copy of Combined Declaration and Power of Attorney (2 pages) Copy of OG Notice 1275 OG 142 dated 10/21/03 (1 page)			



Attorney's Docket No. 12177-004001		Express Mail Label No.  	Mailing Date December 17, 2004
Application No. 10/665,504		Filing Date September 22, 2003	Attorney/Secretary Unit JFH/JFK/afy
Title of the Invention COMMUNICATIONS DEVICE AND METHOD FOR USING THE COMMUNICATIONS DEVICE TO COMMUNICATE A MESSAGE			
Applicant Richard Weber			
Enclosures Second Reply to Response to Request for Corrected Filing Receipt (2 pages) Copy of Response to Request for Corrected Filing Receipt (2 pages) Copy of Request for Corrected Official Filing Receipt (2 pages) Copy of corrected Filing Receipt (2 pages) Copy of Combined Declaration and Power of Attorney (2 pages) Copy of OG Notice 1275 OG 142 dated 10/21/03 (1 page) Copy of stamped postcard dated February 6, 2004 (1 page)			

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